

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.E
Mtg. Date June 21, 2016
Dept. City Manager

Item Title: Amended City of Lemon Grove Conflict of Interest Code

Staff Contact: Susan Garcia, City Clerk

Recommendation:

Adopt a resolution (**Attachment A**) accepting the amended City of Lemon Grove Conflict of Interest Code.

Item Summary:

Government Code Title 9, Political Reform, Chapter 7 Conflicts of Interest, Section 87306 requires every agency to amend its Conflict of Interest Code, when necessitated by changed circumstances, including the creation of new positions, which must be designated and relevant changes in the duties assigned to existing positions.

The appointed members of the Community Advisory Commission have been added.

Also, the attached Conflict of Interest Code includes consultants as public officials and provides direction in determining if their scope of work is subject to disclosure.

Fiscal Impact:

None.

Environmental Review:

☒ Not subject to review

☐ Negative Declaration

☐ Categorical Exemption, Section []

☐ Mitigated Negative Declaration

Public Information:

☒ None

☐ Newsletter article

☐ Notice to property owners within 300 ft.

☐ Notice published in local newspaper

☐ Neighborhood meeting

Attachments:

A. Resolution (with Conflict of Interest Code)

Attachment A

RESOLUTION NO. 2016-

RESOLUTION OF THE CITY COUNCIL OF THE LEMON GROVE, CALIFORNIA AMENDING THE CITY OF LEMON GROVE CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act of 1974, Government Code Sections 81000, et seq., requires every governmental agency to adopt a Conflict of Interest Code that designates positions and financial interests that be disclosed by those positions; and

WHEREAS, designated positions shall file Statements of Economic Interests with the City Clerk who will make the statements available for public inspection and copied per Government Code Section 81008; and

WHEREAS, designated positions are required to file the assuming, annual, and leaving office statements of financial interest; and

WHEREAS, the Conflict of Interest Code differentiates between designated positions with different powers and responsibilities and requires disclosure of all foreseeable potential conflict of interest.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby approves the attached the City of Lemon Grove Conflict of Interest Code (Exhibit 1).

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Exhibit 1

APPENDIX A DESIGNATED POSITIONS

Designated Positions	Disclosure Categories
Assistant Civil Engineer	1
Assistant Planner	2,3
Associate Planner	2,3
Building Inspector	2,3
Building Official	2,3
City Clerk	4,5
City Engineer (currently a contract position)	1
Code Enforcement Officer/ Storm Water Technician	4
Community Advisory Commission (appointed members)	1
Community Services Superintendent	2,3,5,6
Development Services Director	1
Development Technician II	2,3
Engineering Inspector	4
Engineering Technician	4
Fire Chief	2,3
Fire Division Chief	2,3
Management Analyst	4
Oversight Board Members	1
Public Works Director	1
Public Works Superintendent	2,3
Sanitation Supervisor	4
Senior Planner	1
Streets Supervisor	4
*Consultants	1

*Consultants are included in the designated positions and subject to disclosure requirements.

The City Manager will determine whether or not a particular consultant is “participating in the making of governmental decisions” and “serving in staff capacity.” In addition, the length of the consultant’s service to the City is relevant. If a firm’s contract would provide services for five years, it is more likely that individuals performing these services would be in a quasi-staff capacity.

There are some circumstances when consultants work on one project or a limited range of projects and not considered to be working in “staff capacity.”

Exhibit 1

APPENDIX B DISCLOSURE CATEGORIES

Individuals holding designated positions must report their interests according to their assigned disclosure category(ies).

Disclosure Category 1

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency; and investments and business positions in business entities, and income, including loans, gifts, and travel payments, from all sources.

Disclosure Category 2

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Disclosure Category 3

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.

Disclosure Category 4

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the designated position's division or department.

Disclosure Category 5

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that filed a claim against the agency during the previous two years, or have a claim pending.

Disclosure Category 6

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources of the type to request an entitlement to use agency property or facilities, including, but not limited to a license or utility permit.

APPENDIX C

CONSULTANTS

The term “public official” includes consultants: “Public official at any level of state or local government” means a member, officer, employee or consultant of a State or local government agency.”

Consultants are Individuals: It is not the business or firm providing services, but individual(s) working for the firm who provide the services are considered the consultants.

Participating in the Making of Governmental Decisions: If a consultant advises or makes recommendations to the decision-maker, either directly or without significant intervening substantive review, by:

- Conducting research or making any investigation which requires the exercise of judgment on the part of the official and the purpose of which is to influence a governmental decision as referenced in Title 2 CCR s 18702.2 (1)
- Preparing or presenting any report, analysis, or opinion, orally or in writing, which requires the exercise of judgment on the part of the official and the purpose of which is to influence a governmental decision as referenced in Title 2 CCR s 18702.2 (2)

Serving in Staff Capacity: The regulation includes only those individuals who either “participate in making governmental decisions” or are performing substantially all the same tasks that normally would be performed by staff members of a governmental entity.

Exhibit 1

CONFLICT OF INTEREST CODE DETERMINATION OF CONSULTANT DISCLOSURE REQUIREMENTS

Consultant: _____

Consultant Address: _____

Contract Term: _____ Phone Number: _____

Description of Services Provided: _____

Requesting Department: _____

EXEMPT

- ☐ Consultant is exempted from any disclosure requirement because Consultant does not meet the definition of "Consultant" under the Political Reform Act or due to the extremely limited scope of duties under this contract.

NON-EXEMPT

- ☐ Consultant is performing a specialized or general service for the City, and there is a substantial likelihood that the consultant's work product will be presented, either written or orally, for the purpose of influencing a governmental decision. As a result, the consultant shall be subject to Disclosure Category 1 of the City's Conflict of Interest Code.
- ☐ Consultant is an official "who manages the investment of public funds" and must file a Statement of Economic Interests disclosing interests pursuant to Gov. Code § 87200.
- ☐ Consultant's responsibilities are too broad to allow the disclosure requirements to be narrowed. Therefore, the consultant must file a Statement of Economic Interests pursuant to the broadest disclosure categories. (See Categories 1 and 2 of the City's Conflict of Interest Code.)

City Manager

Date